REMARKS

By this amendment, claim 4 has been amended. Thus, claims 4-14 are now active in the application. Reexamination and reconsideration of the application are respectfully requested.

In the Office Action mailed May 6, 2010, claims 4-10 were rejected under 35 U.S.C. § 103(a) as being anticipated by Tanaka 2 (JP 2000-266144) in view of Sirven (US 4,749,068); and claims 11-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka 2 in view of Sirven and Orloff (US 2,564,790). These rejections are respectfully traversed and, in any event, are submitted to be clearly inapplicable to the claims as now amended.

The independent claim 4 has been amended to further clearly distinguish over the applied prior art. In particular, amended claim 4 requires: (1) that the radially outer surface of the sleeve 12 is in contact with the radially inner surface of the cylinder 11 over the entire axial length of the sleeve 12; (2) that the cylinder 11 has a closed bottom; and (3) that the return chamber 29 is defined by the closed bottom of the cylinder 11. As can be clearly seen in the drawing figures of Tanaka 2, the Tanaka 2 reference meets none of these claimed features (1)-(3). Specifically, in Tanaka 2, there is clearly a large gap between the radially outer surface of the alleged sleeve 7 and the radially inner surface of the alleged cylinder 12. Also, the alleged cylinder 12 of Tanaka 2 has no closed bottom, and clearly no return chamber defined by a closed bottom of the alleged cylinder 12. Further, it is submitted that a person having ordinary skill in the art would clearly not have found any logical reason to define the alleged return chamber 49 of Sirven by a non-existent closed bottom of the alleged cylinder 12 of the Tanaka 2 reference.

Additionally, amended claim 4 specifies that the seal member has a rod-inserting hole 15 therethrough so as to define an inner periphery of the seal member 13, and also requires the rod 16 to slidably extend through the rod-inserting hole 15 such that the rod 16 is always kept in contact with the inner periphery of the seal member 13 regardless of an axial sliding position of the rod 16 within the rod-inserting hole 15 of the seal member 13.

In the Tanaka 2 reference, the alleged rod 31 is not in contact with the inner periphery of the alleged seal member 16 at least in the state illustrated in Fig. 3. The alleged seal member 16 of Tanaka 2 is actually an engaging ring for preventing separation of the alleged rod 31, and this engaging ring 16 of Tanaka 2 does not serve as a seal. As can be seen in Figs. 3 and 4, the alleged seal member 16 does not hinder the flow of oil between the chambers 18 and 19 in the states shown in both Figs. 3 and 4 of Tanaka 2.

The device of the Sirven patent is a shock absorber. In order to suppress vibrations and quickly dampen vibrations, it is essential in the Sirven device that the alleged return chamber 49 be located at a higher level than the alleged reservoir chamber 2b. Accordingly, the Sirven patent clearly fails to suggest the claimed arrangement that the return chamber is defined by the closed bottom of the cylinder and under the sleeve so as to communicate with the reservoir chamber (which is located above the plunger and thus clearly above the return chamber).

Regarding the Examiner's comments in the "Response to Arguments" section of the Office Action, it is noted that the distinguishing features of the present invention lie not merely in the fact that a relief valve is provided to release pressure in a high-pressure chamber, but also in the fact that a return chamber is provided under the pressure chamber by the closed bottom of the cylinder so as to communicate with a reservoir chamber which is located above the return chamber, and a relief valve is provided between the return chamber and the pressure chamber. With this arrangement, hydraulic oil released into the return chamber from the pressure chamber automatically returns to the reservoir chamber. Accordingly, the claimed pressure relief structure is extremely simple and compact in size and, as such, would almost never cause any increase in the size, especially the diameter, of the overall auto-tensioner. This concept is not in any way taught or suggested by Tanaka 2, Sirven or any combination thereof.

Thus, in view of the above comments, it is believed apparent that the present invention as now clearly set forth in the amended claim 4 is not taught or suggested by the Tanaka 2 reference, the Sirven patent or any reasonable combination thereof. Therefore, it is respectfully submitted that claim 4, as well as claims 5-14 which depend therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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/Charles R Watts/

By 2010.08.05 12:28:57 -04'00'

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